THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.3454 of 2007

Between:

B.Saibaba Goud.

.. PETITIONER

and

The Inspector of Proh. and Excise,
Yellareddy and another.

..
RESPONDENTS

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ORDER:

It is the case of the petitioner that he is a licence holder of Retail

Sale of Toddy under Tree for Tapper scheme vide licence No.A2/92/2003, in respect of Safdalpoor village, Yellareddy Mandal, Nizamabad District, for a period from 20-03-2003 to 31-03-2007 to vend toddy from out of 30 trees.

It is stated that the petitioner has been tapping his own trees and selling the toddy in accordance with the provisions of A.P.Excise policy and the rules made under A.P.Excise Act.

It is the case of the petitioner that in fact no inspection was made in respect of the petitioner's toddy shop and no samples have been taken from his possession, but, for the statistical purpose, he being the helpless and poor tapper, a case has been foisted against him as if samples have been taken from his toddy shop on 06-01-2007 and tested them instantly and found adulterated by chloral hydrate. Subsequently, the licence of the petitioner was suspended by proceedings, dated 16-01-2007 and thereafter a show cause notice has been issued on 07-02-2007. Therefore, the petitioner seeks to declare the action of the respondents in issuing a show-cause notice as well as the order of suspension of the licence as illegal and arbitrary.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion on the merits of the case, as admittedly, a show-cause notice has been issued to the petitioner calling upon him to submit his explanation taking all defences available to him. Unless the explanation is submitted and enquiry has been conducted in accordance with the principles of natural justice, the contention of the learned counsel for the petitioner cannot be accepted.

Accordingly, the writ petition is dismissed with a liberty to file explanation taking all defences available to him. There shall be no order as to costs.

23-02-2007

Prv